

J. L. W. asks the Utah Labor Commission to review Administrative Law Judge Eblen's dismissal of Mr. W.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

BACKGROUND AND ISSUE PRESENTED

Mr. W.'s most recent application, filed April 26, 2004, seeks additional workers' compensation benefits for injuries allegedly related to a work-related accident at Big O Tires on October 26, 2000. Judge Eblen dismissed Mr. W.'s application on May 24, 2004, because Mr. W. had failed to submit any medical evidence that links Mr. W.'s on-going medical problems with his work accident. Mr. W. now asks the Commission to review Judge Eblen's decision.

DISCUSSION

In order to qualify for workers' compensation benefits, it is Mr. W.'s obligation to submit evidence that his work accident is the medical cause of the injuries for which he seeks benefits. Although Mr. W. has been instructed to submit such evidence, and has been given opportunity to do so, no such evidence has been produced. It was for this reason that Judge Eblen dismissed Mr. W.'s claim. The Commission concurs with Judge Eblen's action.

If Mr. W. desires further guidance regarding the evidence necessary to establish a claim for workers' compensation benefits, he may contact a Commission representative at 530-6835.

ORDER

The Commission affirms and adopts Judge Eblen's decision in this matter and denies Mr. W.'s motion for review. It is so ordered.

Dated this 29th day of June, 2004.

R. Lee Ellertson, Commissioner